

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

JANUARY 11, 1999

MINUTES

The Regular Meeting of January 11, 1999 was called to order by Chairman Alicia Aguilar at 9:08 AM.

PRESENT	ABSENT
Alicia Aguilar, Chairperson	
Aurelio H. Padilla, Vice-Chairman	
Helen Baca, Commissioner	
Eloy Giron, Commissioner	
S. T. Frank Pando, Commissioner	
Lloyd Sais, County Manager	
Thomas Garde, County Attorney	
Kandy Cordova, County Clerk	
Press and Public	

EXECUTIVE SESSION

Chairperson Alicia Aguilar asked the County Clerk to read the agenda for the Executive Session. Carol Anaya asked to add to the Executive Session, Other Personnel Matters.

Commissioner Al Padilla made a motion to go into Executive Session. Commissioner Helen Baca seconded the motion. Motion carried with Commissioner's Baca, Aguilar, Padilla, Giron and Pando voting yes.

Commissioner Eloy Giron made a motion to return from the Executive Session to the Regular Meeting of the Valencia County Board of Commission. Commissioner Frank Pando seconded the motion. Motion carried.

Carol Anaya stated during the Executive Session discussion was held on the following:

NEW HIRES:	Denise Turner		
TEMPORARY HIRES:	Jennifer Hawkes	Nathan Godfrey	Antonio H. Chavez, Jr.
RESIGNATION'S:	Kathy Olguin	Robert Doxey	Brenda Baca Nathan Godfrey
PENDING PRE-EMPLOYMENT PHYSICAL:	John G. Gordon	(PT) Julian Torres	
TERMINATION'S:	Chris A. Montoya	Scott Fortner	Ivan Tafoya
END OF ELECTED TERM:	Cecilia Castillo		
NEW ELECTED OFFICIALS:	Beverly Gonzales	Helen Baca	Frank Pando
5% SALARY INCREASE ELECTED OFFICIALS:	Juan Julian	Sally Perea	
	Frank Pando	Beverly Gonzales	Helen Baca
STATUS CHANGE/Probationary to Non-Probationary:	Adelico Tafoya		
LINE ITEM CHANGE:	Shawn Coulter		

Commissioner Al Padilla stated, "Before we vote on the hires, resignation's and transfer's, I'd like to entertain a motion that we appoint James Fernandez as Valencia County Manager, replacing Lloyd Sais." Chairperson Aguilar requested that they hold off on Commissioner Padilla's motion and vote on the report by Carol Anaya.

Commissioner Frank Pando made a motion to ratify action taken during the Executive Session. Commissioner Helen Baca seconded the motion. Motion carried.

Chairperson Aguilar said discussion was also held on appointed and contracted positions during the Executive Session. Commissioner Al Padilla repeated his motion to appoint James Fernandez as Valencia County Manager replacing Lloyd Sais effective January 11, 1999. Commissioner Helen Baca seconded the motion.

Commissioner Frank Pando asked, "Why today? Isn't it customary for the County Manager to have a few days to clean his office and possibly go with the appointed new County Manager to tell him some of the issues that we are working with? I feel they should have a week or so to work together." Chairperson Aguilar said Mr. Sais is entitled to a 30-day notice.

The County Attorney said, "The Commission is obligated to fulfill the County Manager's Contract." Chairperson Aguilar said the County Manager's Contract expires on January 31, 1999.

Commissioner Eloy Giron said there has been a motion to appoint James Fernandez, replacing Mr. Sais. He said he was under the impression that an Executive Session would be held after the meeting and speak with Mr. Fernandez on the issues facing the Commission. He said it is his recommendation that the motions be withdrawn and that a motion be made to have an Executive Session after the meeting and then take action.

Commissioner Pando said he agreed with Commissioner Giron. There are things that need to be discussed.

Chairperson Aguilar said they could table this issue until the agenda is completed and go into Executive Session and talk to Mr. Fernandez. She said this would be fair to all five Commissioners and that would be her recommendation as Chairperson.

Commissioner Al Padilla made a motion to amend the original motion and that they hold an Executive Session at the end of this meeting to talk to Mr. Fernandez and then take a vote on the original motion to appoint James Fernandez as County Manager. Commissioner Helen Baca seconded the motion.

County Attorney Tom Garde said, "Basically the motion is to move Mr. Fernandez into the County Manager's position, subject to a discussion in Executive Session."

Commissioner Giron said, "Commissioner Pando and I have nothing against Mr. Fernandez. We would just like to see what his plans and ideas are. We want to tell him what issues we have and what our priorities are. He hasn't told me he was interested in the job. We were asking for an Executive Session before we vote on an appointment."

Commissioner Pando said, "One thing we need on this Commission is unity. We haven't had that in a long time. We need to all work together as a team and not against each other. I think we are getting off on the wrong foot and I hope we can change that attitude."

Chairperson Alicia Aguilar said, "The Chair is going to make a recommendation. I am going to ask Commissioner Padilla to withdraw his motion and ask Commissioner Baca to withdraw her second and I would like to entertain a motion that on the County Manager, we hold an Executive Session after the agenda has been completed, we meet with Mr. Fernandez and then we come out of the Executive Session and ratify the discussion."

Commissioner Al Padilla said he would stand on his motion and Commissioner Helen Baca said she would stand on her second to his motion.

Chairperson Aguilar said, "We have a motion on the floor and the motion is to hire James Fernandez to replace Lloyd Sais, effective today, and hold Executive Session after the meeting to interview and discuss this with Mr. Fernandez." Commissioner Eloy Giron said, "If that is a motion and a second and this vote does pass, I don't think we'll need an Executive Session, because we'll be able to speak to whoever is elected for the next two years."

James Fernandez stated, "In due respect to all of the County Commissioners, I would prefer meeting with them before you take any vote. It will give them the opportunity to ask any questions they might have of me and it will give me the opportunity to do the same. I think they are owed that opportunity and I would ask that you afford them the opportunity."

Commissioner Al Padilla withdrew his motion. Commissioner Helen Baca withdrew her second to Commissioner Padilla's motion.

Commissioner Al Padilla made a motion that after the agenda is completed, that the Commission go into Executive Session to speak to James Fernandez and a vote will be taken at that time for the County Manager. Commissioner Helen Baca seconded the motion.

Lillie McNabb, Dolores Quintana and Clara Reher made statements regarding the selection process.

Commissioner Eloy Giron stated, "We had re-organization last week and right now we are going to have some personnel changes and I don't think this Commission needs to be ramroding like the last time. I think we need to go out there and go ahead and advertise for some of these positions. I have two sets of Minutes from our last Board of Commissioners where Commissioner Aguilar and Commissioner Padilla both stated we should advertise for this. I would like to stay consistent and I was with that force at that time. There are a lot of capable and qualified people in Valencia County. If James Fernandez is our best choice, I will support him 100%, but there are 60,000 residents in Valencia County. I am for going out and getting RFP's all the way down the line."

Motion carried unanimously.

Commissioner Eloy Giron made a motion that when they go into Executive Session that they vote and discuss the personnel changes and consider going out for RFP's. That's going to be county-wide, state-wide, nation-wide or world-wide, but to go ahead and keep the options open and find the best person available for the positions that are going to be open. Commissioner Frank Pando seconded the motion.

Commissioner Pando said he would like to see someone local be considered for the positions.

Commissioner Al Padilla said he does not go along with RFP's for every position. He does not believe it is necessary.

Chairperson Aguilar said the list that was provided to the Commission included the County Manager, Fiscal Agent, Road Superintendent, Older Americans Director, Animal Control Director, Jail Administrator, County Planner, County Attorney, Community Service Monitor, Collective Bargaining Consultant, Rural Monitoring and Alternative Sentencing Monitor. In addition to these, the County uses a County Architect; a lobbyist, TMR Recycling, a Jail Consultant and they have All New Mexico Surveying.

Chairperson Aguilar called for the vote on Commissioner Giron's motion. Commissioner's Pando and Giron voted yes. Commissioner's Padilla, Baca and Aguilar voted no. Motion failed.

Commissioner Helen Baca made a motion to appoint Louie Pena as Road Superintendent, replacing Harry Gabaldon effective today. Commissioner Al Padilla seconded the motion.

Commissioner Eloy Giron said he would like for the Commission to terminate these individuals and then rehire them.

Lillie McNabb said the personnel issues should be kept as Commission items. Chairperson Alicia Aguilar said discussion was held during the Executive Session and it needs to be ratified in an open meeting.

Commissioner Eloy Giron said, "Right now we're making some decisions on thirty or forty thousand dollar a year jobs without interviewing some of these people. I haven't had a chance to

speak to Mr. Pena. I wish we had been made aware of the ramroding that was going to go on, but we weren't in that inner circle."

Commissioner Frank Pando said he does not know Louie Pena. He doesn't know if he is even interested in the job. He says he doesn't even know what he looks like. He believes he is at a disadvantage.

Dolores Quintana and Clara Reher spoke again on the selection process.

County Attorney Tom Garde said, "These are exempt positions. The people that are holding these positions are serving at the pleasure of the County Commission. The Commission has the authority to hire within themselves or they can go out for RFP. It is solely a decision made at the discretion of the County Commission."

Commissioner Frank Pando said, "I don't have anything against Mr. Pena. I can't say anything about him. I don't even know the man. You have a motion and I'm sure you are going to get your votes, but I feel that before we bring these people in, we should at least meet them. You guys do whatever you want to do. I know what I have to do."

Chairperson Aguilar said, "It is not a matter of, 'you guys do whatever you want to do'. The Chair would like to make a recommendation and follow the same procedure that we did with Mr. James Fernandez." Commissioner Eloy Giron said, "Chairman, your recommendation was to go with an RFP and then you voted against it." Chairperson Aguilar said, "No, my recommendation was never to go with an RFP. We have a motion on the floor to hire Mr. Louie Pena as the Road Superintendent effective today. We have a second and we have had discussion. Because of the discussion, the Chair is recommending and asking Commissioner Baca and Commissioner Padilla if they will allow the same courtesy as with the County Manager. Let's take it into Executive Session. Let's talk to Mr. Pena and let's discuss it."

Commissioner Helen Baca withdrew her motion and Commissioner Al Padilla withdrew his second to the motion.

Commissioner Frank Pando made a motion to talk to Mr. Pena in Executive Session after the regular meeting. Commissioner Helen Baca seconded the motion. Motion carried.

County Attorney Tom Garde stated during the Executive Session, discussion was held on a certain situation regarding the Juvenile Detention Center. No action was taken.

## **INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF**

Chairperson Alicia Aguilar introduced Commissioner's Helen Baca, Al Padilla, Eloy Giron and Frank Pando, County Attorney Tom Garde, County Manager Lloyd Sais, Carlos Montoya, County Clerk Kandy Cordova, Paula Weathersby, Sheriff Juan Julian, County Treasurer James Fernandez, County Assessor Beverly Gonzales, Diana Coplen, Carol Anaya, Mike McCartney, Gary McNabb, Charles Eaton, Brian Buddenhagen and Arley Sanchez.

## **PLEDGE OF ALLEGIANCE**

Commissioner Frank Pando led the Pledge of Allegiance.

## **APPROVAL OF AGENDA**

County Clerk Kandy Cordova read the agenda as presented. Commissioner Eloy Giron said Liz Turner, Alan Russell and D. P. Gallegos would like to address the Commission under Public Requests. Dee Keating asked to address the Commission under Public Requests. County Clerk Kandy Cordova asked to address the Commission under Public Requests regarding the Board of Registration. Chairperson Alicia Aguilar requested an Executive Session be added to the agenda as Item O.

Commissioner Frank Pando made a motion to approve the agenda with additions. Commissioner Al Padilla seconded the motion. Motion carried.

## **APPROVAL OF MINUTES**

There were no Minutes presented for approval.

## **PUBLIC REQUESTS: At the Discretion of the Chairman, For Information Only.**

Dee Keating from Peralta thanked the Commission for the stop sign that was installed at the intersection of Molina and Quail Run. It has slowed the traffic down. She requested another stop sign be installed at the intersection of Molina and Fredrick. She also asked that the speed limit be lowered from 35 miles per hour to 25 miles per hour.

D. P. Gallegos AKA Denny Gallegos requested guidance from the Commission. He is the newly elected chairman of the Senior Olympics Committee and is requesting funds to help support the 27 qualified people to go to Orlando, Florida. He is requesting \$3,000.00 to help fund the trip. Chairperson Alicia Aguilar said this type of request is usually handled administratively. She recommended that he meet with the County Manager who will bring the information to the Commission.

Liz Turner spoke to the Commission regarding problems in the MeadowLake area. She said High Deal Road is in need of work. There are times when you can't get down the road to the houses. She has discussed this problem with Harry Gabaldon. Another problem is the graffiti on the Stop Signs. She said they have caught the kids, talked to their parents and they cannot do anything about it. The residents have scrubbed the graffiti off of the signs until you cannot read the signs. She also requested help with the junk cars and trailers that are being brought into the area. She said the trash is being thrown all up and down the road.

Commissioner Eloy Giron requested that Mike McCartney work with Ms. Turner and he will get with the Road Superintendent and the attorney and see what they could do about the road. He said he would get back to Ms. Turner this afternoon.

Mike McCartney said the arraignment period and hearing process through Magistrate Court is very time consuming. He said they have one zoning officer in the Planning & Zoning Dept. He covers the whole County and he is busy all of the time.

Alan Russell said his concerns had been covered by Ms. Turner. He asked the Commission about using volunteers to assist in these matters.

Commissioner Eloy Giron said he checked with some people that make signs and they do sell anti-graffiti signs. He said he has spoken to Lloyd Sais regarding this matter. He said he would like to see the community service people cleaning the signs instead of the residents having to do it.

County Clerk Kandy Cordova informed the Commission that this year will mark the first year to purge voters since 1995. In February a Registration Board will need to be appointed. She has notified both political party chairmen requesting that names be submitted. She will pass those names to each Commissioner so that the Board can be appointed at the first meeting in February. They will be appointing a three member board and two alternates.

## **ACTION ITEMS**

### **(A) APPOINTMENT OF PLANNING & ZONING (At Large Positions)**

County Manager Lloyd Sais said no names were submitted to him.

Commissioner Frank Pando made a motion to table this item until January 25, 1999. Commissioner Eloy Giron seconded the motion.

Commissioner Al Padilla said he was prepared to make a recommendation at this time.

Commissioner Pando withdrew his motion. Commissioner Giron withdrew his second.

Commissioner Al Padilla made a motion to name Jim Smith to an At Large Position for the Planning & Zoning Commission from the East Side of the river. Commissioner Helen Baca seconded the motion. Motion carried.

Commissioner Frank Pando made a motion to name Sam Anaya from the West Side of the river. Mr. Anaya said he could not accept the appointment.

Commissioner Frank Pando made a motion to name Lawrence Chavez to the At Large Position from the West Side of the river. Commissioner Eloy Giron seconded the motion. Commissioner Pando and Commissioner Giron voted yes. Commissioner's Baca, Padilla and Aguilar voted no. Motion failed.

Commissioner Helen Baca made a motion to name Wilfred D. Chavez to the At Large Position from the West Side of the river. Commissioner Al Padilla seconded the motion. Motion carried with Commissioner's Padilla, Baca and Aguilar voting yes. Commissioner's Pando and Giron voted no.

### **(B) PUBLIC HEARING/Low Income Property Tax Rebate**

County Attorney Tom Garde stated, "The 1998 legislature enacted certain statutes which would authorize the County Commission to adopt an ordinance in which Valencia County from the General Fund would pay for the low income tax rebates that our citizens apply for through their property taxes through the State of New Mexico. What the Commission can do in their decision making process is to adopt an ordinance in which the County will repay to the State of New Mexico any monies that the State credits our citizens. To pay for that money it would either come out of the General Fund or it would be submitted to the taxpayers through a mill levy. The taxpayers would pay for the low income tax rebate. The purpose of this legislation is the State of New Mexico wants Valencia County to pay their share of the rebate tax of the State of New Mexico. I spoke with Property Tax Control in Santa Fe to see if they could give us an idea of how this would impact the General Fund in Valencia County and they could not give us any idea of what affect it would have on our county budget. The maximum amount that can be claimed by any property owner is \$250.00 each year. If you multiply that by 1000 persons who claim a rebate, you're talking about \$25,000.00 that the county would be responsible for. If the County Commission takes no action and decides not to adopt such an ordinance, the State will be responsible for the refund and not the county. I feel this is a measure by the State of New Mexico to have the local county's refund the State these rebates. This will not affect any property owners, they will still be entitled to their rebate. If this Commission decides not to adopt an ordinance today, then the taxpayers will still get their rebate regardless of what the Commission does."

Jim Zartman said the property tax is generally left alone for a very good reason. The property tax can be counted on for schools and essential services. He said these could be at risk if they start mettling with the property taxes. He requested that the property tax be left alone.

County Treasurer James Fernandez said a public hearing is to be held every odd numbered year. If the county does not fund the rebate, after passing a resolution, the State can start withholding from your distributions. (Road Funds, Gross Receipts Funds, etc.)

Commissioner Frank Pando made a motion to deny the low income property tax rebate. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit A)**

### **(C) ACCEPTANCE OF 1997/98/Fiscal Year Audit**

County Manager Lloyd Sais presented the 1998 Auditor's recommendation of the Valencia County Audit. In the prior year there were twelve infractions. This year there were two infractions. This administration has balanced twelve million dollars according to the rules and regulations that govern audits and the way we expend the money that has been allotted to the County.

Chairperson Aguilar asked about the lease purchase contracts and the purchase of a fire truck for MeadowLake. Lloyd Sais said there are many ventures through lease purchase agreements. The Sheriff's Dept buys cars on lease purchase agreements, as do the Fire Departments.

Commissioner Frank Pando commended the County Manager and the staff for doing a good job. He then made a motion to approve the 1997/98 Fiscal Year Audit. Commissioner Helen Baca seconded the motion. Motion carried. **(Copy of the 1997/98 Audit available in the County Clerk's Office for viewing.)**

**(D) TIERRA BONITA RESOLUTION/Sign Grant Proposal**

Robin VerEecke presented Resolution 99-03 for Commission approval. This resolution gives authorization to Tierra Bonita to plan, budget and apply for a grant to fund the Keep America Beautiful Program. Ms. VerEecke also requested that the grant application be signed.

Commissioner Al Padilla made a motion to approve Resolution 99-03 and for the Chairperson to sign the grant application. Commissioner Frank Pando seconded the motion. Motion carried. **(See Exhibit B)**

**(E) FINAL PLAT APPROVALS**

**Quail Mesa Subdivision**

Mike McCartney said this is a request for final plat approval for Quail Mesa Subdivision. It is 36 lots on 40 acres. It is on the West Mesa in Belen. Preliminary Plat approval was given on December 14, 1998.

Commissioner Frank Pando asked a question about the roads being wide enough. Carol Romero said the plat was not read correctly. The roads are 40 feet.

Commissioner Helen Baca made a motion to grant final plat approval for Quail Mesa Subdivision. Commissioner Al Padilla seconded the motion. Motion carried.

**Villa De Suenos Subdivision**

Mike McCartney said this is a request for final plat approval for Villa de Suenos Subdivision. It is located in Los Chavez off of Miller Road. There are 17 lots. Preliminary Plat approval was given December 14, 1998.

Commissioner Frank Pando commended Hilda Cruz for the outstanding job she has done with this subdivision.

Chairperson Alicia Aguilar made a motion to grant final plat approval for the Villa De Suenos Subdivision. Commissioner Frank Pando seconded the motion. Motion carried.

**(F) PUBLIC HEARING**

**Amendment to Ordinance #95-01/Valencia County Business License**

Mike McCartney said this is the first public hearing to amend Ordinance #95-01. It is to delete Section 5 Renewal, which reads "Prior to March 16 of each year, any person with a place of business in the County and subject to this Ordinance shall apply for renewal of business registration with the County Clerk", and add Section 5 to read as follows: "Any person or entity operating a business in Valencia County pursuant to this ordinance shall apply for a renewal of his/her business registration with the Valencia County Planning & Zoning Department on or before the 16<sup>th</sup> day of March of each year thereafter. Pursuant to this ordinance and NMSQ 1978, 3-38-5, a late fee in the amount of ten (\$10.00) dollars shall be assessed against any person or entity who submits an application for renewal of business registration after the 16<sup>th</sup> day of March deadline for that year."

The second hearing will be held on January 25, 1999. It will go into effect 30 days after the last hearing.

**(G) VALENCIA COUNTY BUILDING INSPECTOR'S OFFICE/Building Codes  
For Information Only**

Building Inspector Richard Padilla presented a Memorandum to State and Political Subdivision Plan Review and Inspection Officials and Interested Parties from Anita Lockwood, Director of the Construction Industries Commission. This memorandum addresses recent Construction Industries Commission action on the 1997 Uniform and New Mexico codes, and interim plan review and inspection procedures for CID and local plan review and inspection departments during the transition from 1991 to 1997 Uniform and New Mexico codes. Statewide implementation by all building departments will ensure a consistent regulatory effort and service during the code transition period. **(See Exhibit C)**

Commissioner Frank Pando made a motion to convene as the Indigent Board. Commissioner Eloy Giron seconded the motion. Motion carried.

**(H) INDIGENT CLAIMS/APPEAL**

Barbara Baker presented an appeal for Mr. & Mrs. Joe Gonzales of their Indigent denial of November 30, 1998. Mrs. Baker had no recommendation on the appeal.

Commissioner Eloy Giron made a motion to approve the Indigent Payment for Mr. & Mrs. Gonzales. Commissioner Frank Pando seconded the motion. Motion carried.

Barbara Baker presented the Indigent Claims from November 20, 1998 to December 29, 1998. The total claims submitted is \$94,308.84. She asked the Commission to approve \$39,683.86 and to deny \$54,624.98.

Commissioner Frank Pando made a motion to approve the Indigent Report as presented. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit D)**

Commissioner Al Padilla made a motion to re-convene as the Board of County Commission. Commissioner Frank Pando seconded the motion. Motion carried.

**(I) REQUEST OUT OF STATE TRAVEL, Washington, DC**

County Clerk Kandy Cordova requested permission for out of state travel to Washington, DC to attend the NACO 1999 Legislative Conference. The conference will be held February 26 - March 2, 1999.

Commissioner Al Padilla made a motion to approve out of state travel for Mrs. Cordova. Commissioner Helen Baca seconded the motion. Motion carried.

**(J) RATIFY ELECTION RESULTS/Los Chavez Fire Departments**

Valencia County Fire Marshal John Cherry stated the Los Chavez Fire Department held an election of officers at their regular meeting and elected Brian Culp as Chief and Charles Eaton as Asst. Chief. The Valencia County Fire Department By-Laws require that the County Commissioners ratify the election and accept the officers.

Chairperson Alicia Aguilar made a motion to ratify the action of the Los Chavez Fire Department. Commissioner Al Padilla seconded the motion. Motion carried.

**(K) AWARD OF BIDS:**

**Bid #485 Electric Jaws of Life/Fire Departments**

**Bid #486 Co-op Extension Service**

Valencia County Fire Marshal John Cherry presented Bid #485 for Commission approval. It is for the purchase of three sets of electric extraction tools (Jaws of Life) for Rio Grande Estates Fire Dept., MeadowLake Fire Dept. and Jarales-Pueblitos Fire Dept. in the amount of \$27,771.00 from Southwest Safety Specialists of Hobbs, New Mexico.

Commissioner Eloy Giron made a motion to approve the award of bid from Southwest Safety Specialists in the amount of \$27,771.00. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit E)**

Carlos Montoya presented Bid #486 for Commission approval. It is for rental space for the County Cooperative Extension Space. Two bids were received, one from Arturo Sais in the amount of \$1,085.00 with no janitorial services and Mondel Plaza, LTD in the amount of \$925.00 that includes janitorial services without a conference room.

Chairperson Alicia Aguilar recommended that this item be tabled until the next meeting on January 25, 1999.

Commissioner Al Padilla made a motion to table this item until the next meeting. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit F)**

**(L) APPROVAL OF RFP'S FOR ADULT DETENTION CENTER**

Commissioner Frank Pando asked if land had been purchased for the Adult Detention Center. He said before he votes on this item he would like to know where the building is going to be placed.

Chairperson Aguilar said there have been some meetings in the past about land acquisition and there are two possible sites. There is one to the East of the Courthouse and there is one at the corner of Morris Road. There can always be some additional sites added if they come up. She said this is just to go out for RFP to start the design of the Adult Detention Center to help with the planning. This is the first step.

Carlos Montoya said the scope of the RFP is that Valencia County requests written proposals for architectural consulting services for a conceptual master plan, design, construction bid documents and construction phase administration of a 100 bed adult detention facility project to be constructed on an undeveloped site in Los Lunas, New Mexico. This project will be a conventional design, bid, build process in accordance with the New Mexico Procurement Code.

Commissioner Eloy Giron asked who made the revisions on the Request for Proposals. Carlos Montoya said the RFP was designed by himself and John Friedman. They put the packages into the Commissioner's boxes so they could review them. He said the Chairman of the Commission and the architect met with him and they did the revision so that they could broaden the scope of the project.

Commissioner Eloy Giron said, "I see the scope on the first one and I see the scope on the second one and it narrows it down on what kind of financing we are going to be doing and what kind of building we are going to be doing. I did some research last year, in the Spring, and I contacted the Association of Counties and I asked them for help on this. I came in with some flow charts on financing and the first one you drafted up gave us different avenues of financing. This one right here gives us a conventional design in accordance with the New Mexico Procurement Code. The financing I brought forth last year was also with the Procurement Code and the Attorney General. The revision that Commissioner Aguilar was involved in narrows it down. I wish I would have been involved in this one. It shows that there is a selection committee. I think some of the people on this Commission advised us that they might not be able to make some important decisions like this because they didn't feel adequate or intelligent enough to make these decisions. I didn't like the selection committee, it is not that I don't have respect for them, but I was elected to make these decisions. I wasn't elected to pass it on to a selection committee. Mr. Pando has stated that we don't have a piece of property. When are we going to start moving on some of this stuff? We have one person involved in this and changing this, selecting some of these people on the selection committee. That's wrong. Some of us feel that we are intelligent enough to make these decisions and go forward with this jail process. If some of us can't make them, then go ahead and step down and walk away from some of these meetings. I would like this revised RFP and next time there is a revision, I would like for all of the Commission to be involved in this."

Chairperson Aguilar said, "Commissioner Giron this was provided to all of us. The only request that I made or change is that it be a conceptual master plan, because it is an RFP for an architect. We should not be asking for a master plan. The rest of the RFP, I was not involved in. We also have a County Manager that has been involved in this for two years and he has been trying to get us a road map so that we can get started on this project. There have been at least five meetings, closed sessions to discuss this and for the record you have been absent from many of

them. Putting that aside, on this, the selection committee, we have John Friedman, an architect that is donating his time. We have Steven Chavez as our planner, who is also an attorney with the D.A.'s Office. Edwin Esquibel is our jail administrator, he should be involved in that. From Administration, Carlos Montoya or the County Manager as far as budget, as far as my name, delete it. It was just advisory. I did not have any powers in voting on this. If anything what you can do is, have them be the selection committee, let's publicize it as a public meeting and let all of the Commission show up and see what's going on. I don't have a problem with that, as a matter of fact I encourage it. This thing of bickering and posturing has got to stop. We must go forward and there has to be some trust in administration."

Commissioner Pando said he did not care who was put on the committee. The bottom line is that the dollar is going to stop right here. When the committee meets, he would like for the Chairperson to call a meeting so that all of the Commission and the public can attend. The lines of communication need to be open with each other, with administration and with the public. He said if the public is not involved, he will vote against it every time.

Commissioner Al Padilla said he is comfortable with the proposal. He does not see anything wrong with the selection committee as it is. He then made a motion to approve the RFP for the Adult Detention Center. Commissioner Frank Pando seconded the motion.

Chairperson Alicia Aguilar said for clarification, the meetings will be publicized and all Commissioners will be notified so they can attend.

Commissioner Eloy Giron said, "I would like to have this struck, that this project will be a conventional design, build, bid process because that's narrowing the end of the financing and it is not leaving every option open. The last four facilities built in the State of New Mexico have been with different kinds of financing. Carlos also states here that it will be completed in May, 2000. The way the conventional works, there is no way it can happen by then. I would like to have that struck from this. You were able to strike that from the original RFP, so I would like to have that granted me also."

Chairperson Aguilar said, "Commissioner Giron this was developed by administration and the architect and I think once the RFP's come in, then the architect's would be able to tell us if this is realistic or not and if the time frame can be changed. Am I correct?" Carlos Montoya said, "Yes."

Mrs. Aguilar said, "As far as the design, bid, build process, is that now how the bill was written, the elections were held and it would go conventional?" Carlos Montoya said, "That is correct. The direction has been given to staff in the last five or six months that we wanted to go out on conventional bid design. That is the direction that administration is following."

Lloyd Sais said, "There is no question about the Commission proceeding with this. We have demonstrated the ability to go this way. At this moment, we have just about guaranteed our financing with the New Mexico Finance Authority, but there is no harm in the administration trying to find out a better method. The paper work is submitted. We will have to encompass 1/8 of our Gross Receipt Tax that we do have in the General Fund."

Commissioner Pando said these things are on paper, they are not cast in stone. If we don't like it we can change it.

Commissioner Eloy Giron said, "This next week at the New Mexico Association of Counties, the Commissioner's Affiliate will have a four hour workshop on design, build, bid financing by Sophia Ortega and Steve Barela. I would like to invite our county attorney and our county manager to that workshop."

Chairperson Alicia Aguilar called for the vote on Commissioner Padilla's motion to approve the RFP for the Adult Detention Center. Motion carried with Commissioner's Pando, Padilla, Baca and Aguilar voting yes. Commissioner Giron voted no. **(See Exhibit G)**

#### **(M) AMENDMENT OF VALENCIA COUNTY PURCHASING POLICY**

Carlos Montoya presented an amendment to the Valencia County Purchasing Policy. It was last revised in May, 1992. The changes requested were the prices for competitive purchases. (Section 2, 2.6) . Discussion was held on these changes. Mr. Montoya said the changes being recommended will not alleviate the fact that the departments will still need to acquire Purchase Orders for their purchases and get approval from the fiscal office.

Commissioner Eloy Giron made a motion to approve the amendment to the Valencia County Purchasing Policy. Commissioner Frank Pando seconded the motion. Motion carried with Commissioner's Pando, Giron, Aguilar and Baca voting yes. Commissioner Al Padilla voted no. **(See Exhibit H)**

#### **(N) WARRANTS**

Carlos Montoya presented the warrants for Commission approval. Discussion was held. Commissioner Frank Pando made a motion to approve the warrants. Commissioner Al Padilla seconded the motion. Motion carried.

#### **(O) EXECUTIVE SESSION**

Commissioner Helen Baca made a motion to go into Executive Session. Commissioner Eloy Giron seconded the motion. Motion carried with Commissioner's Pando, Giron, Padilla, Baca and Aguilar voting yes.

Commissioner Frank Pando made a motion to return from the Executive Session to the Regular Meeting of the Valencia County Board of Commission. Commissioner Helen Baca seconded the motion. Motion carried.

Chairperson Alicia Aguilar made a motion to hire James Fernandez as the County Manager, replacing Lloyd Sais. Commissioner Al Padilla seconded the motion.

Commissioner Frank Pando stated, "I would like to give Lloyd Sais a vote of confidence and a thank you. I think he did an excellent job for all the years he was here and I want to thank him for all he has done for Valencia County."

Chairperson Alicia Aguilar said, "The past two years have been a rough two years. Valencia County has seen a lot of turbulence, a lot of issues being resolved and I have sat down and talked to Mr. Sais and sometimes these sort of things happen. I would ask Mr. Sais if he would consider staying on til the end of the month to help Mr. Fernandez and make him aware of any issues."

Lloyd Sais asked if that was the wishes of the Commission. Chairperson Aguilar said, "Yes. You have been a valuable asset to Valencia County and I think in many of the problems it has been extremely difficult for you because it has always been a split Commission and you have always made the comment that your job was twice as difficult because of that. In your terms, you have earned your stripes and it has been tough."

Lloyd Sais said, "Thank you very much. I'm very grateful for the opportunity to serve Valencia County. I can say that the last six years working myself up from the bottom to the top has been very challenging to me and very rewarding that I was offered that opportunity. Once I stepped out of being in the exempt positions that I was first hired under, I realized that things could happen and they happen because of circumstances. Nobody knows why they happen, but they happen. I accept the fact that I got the opportunity to serve Valencia County. I did the best I could and from there on you have to move on to other directions and also my life has to move in other directions. I'm grateful that this opportunity was offered to me. Thank you very much Commissioners."

Commissioner Eloy Giron said, "I didn't like the way the motion was stated, but Lloyd I've known you since I was in Jr. High, we went back and forth, we've had some heated battles when even Monica has had to close both doors. If it was a vote terminating you, I would vote no right now. There were too many things thrown in that motion. Earlier in this meeting I asked the Commission to go out for RFP and I wish they would have done that. It is nothing against Mr. Fernandez, two years ago you were my choice. The public had asked me to go out for RFP's and go out and look within 60,000 residents of Valencia County and find somebody to fill the vacancy of the County Manager. That's how I feel on this issue right now."

Chairperson Alicia Aguilar called for the vote on the appointment of James Fernandez as County Manager. Motion carried unanimously.

Chairperson Aguilar said, "I hope in doing this, that it is something that Mr. Sais hoped for for the past two years and that is to have a Commission come into a position where you have a 5-0 vote. Hopefully it is a good beginning." She then asked Mr. Fernandez if he accepts the position.

James Fernandez stated, "Commissioners, I thank you for this opportunity. My pledge to you is to serve each of you equally and to move forward with the best interests of all the residents of Valencia County. I would like to take this opportunity to accept the position of County Manager and in doing so, I would submit to you my resignation as Valencia County Treasurer effective today." **(See Exhibit I)**

Chairperson Aguilar said direction to the County Attorney would be to draft a contract and present it to this Commission at the next meeting which will be January 25, 1999, with the same terms that were provided on the contract with Mr. Sais.

Chairperson Aguilar said, "The Commission will need to make findings of abandonment of the Treasurer's Office. I ask Mr. Fernandez for a recommendation to his replacement."

James Fernandez said, "Commissioner's my recommendation to you would be Diana Martinez Coplen who is currently serving in the Valencia County Treasurer's Office as Chief Deputy Treasurer. Diana has a wealth of knowledge that she brings to this office. She has served in the office for 18 years. She started out as the bookkeeper for the Valencia County Treasurer's Office. From there she moved on to the Office Manager's Position and then to the Chief Deputy's Position. Right now she has the same legal authority as I did as County Treasurer to handle the operations of the Office. That being, moving money, investing money, she is uniquely aware of where the County Treasurer's Office is going on investment policies and the operations of the office. That would be my recommendation to you."

Commissioner Al Padilla made a motion to take James Fernandez's recommendation and appoint Diana Martinez Coplen as Valencia County Treasurer to complete the existing term of office through December 31, 2000. Commissioner Helen Baca seconded the motion.

Commissioner Frank Pando said, "There is going to be some people that are going to be disappointed or mad due to this action, primarily the Democratic Central Committee. When we had our meeting last week or whenever we had it, I didn't see anybody from the Central Committee voicing any opinion whatsoever. The only one that voiced an opinion was me and for that reason I am going to vote for Diana Coplen."

Motion carried unanimous.

Chairperson Alicia Aguilar said for clarification purposes, the hiring of Mr. Fernandez would be effective today and start the transition period.

Chairperson Alicia Aguilar said the other item that was discussed in Executive Session was the Road Superintendent.

Commissioner Eloy Giron said, "If we are going to make anymore termination's and appointments, could we, on the motions made, could we make the termination's and then the appointments with separate motions?"

Chairperson Aguilar said, "Certainly. We also discussed Road Superintendent. Our current Road Superintendent is Harry Gabaldon."

Commissioner Helen Baca made a motion to terminate Harry Gabaldon as Road Superintendent effective today. Commissioner Al Padilla seconded the motion.



Discussion was held on a transition period. Commissioner Frank Pando made a motion to amend the original motion to be effective January 31, 1999. Commissioner Eloy Giron seconded the motion. Motion carried.

Chairperson Aguilar said, "We will now vote on the original motion as amended and that would be to terminate Harry Gabaldon effective January 31<sup>st</sup> and we have a second to that."

Commissioner Frank Pando said he thought Harry Gabaldon should be awarded a plaque or something. He has done an excellent job for the citizens of Valencia County.

Chairperson Aguilar called for the vote. Motion carried. Commissioner Pando voted yes. Commissioner Giron voted no. Commissioner Padilla voted yes. Commissioner Baca voted yes. Commissioner Aguilar voted yes.

Commissioner Pando said he misunderstood the motion. Chairperson Aguilar said, the motion was to terminate Harry Gabaldon, effective January 31<sup>st</sup>.

Commissioner Frank Pando said, "I'm going to vote yes on it, but I would like to give a reason. I'm kind of sick and tired of this 3-2 crap, if you'll pardon the expression. For the sake of unity, let's just go along with the program and try to work together instead of against each other."

Commissioner Helen Baca made a motion to hire Louie Pena as Road Superintendent effective today. Commissioner Al Padilla seconded the motion.

Commissioner Eloy Giron asked what the starting salary would be. Chairperson Aguilar said, "By consensus the starting salary will be \$14.00 per hour. We would also ask administration if he would please ask Mr. Gabaldon if he could work with Mr. Pena until the 31<sup>st</sup> in a transitional period."

Carlos Montoya said there is also a contract on the Privately Owned Vehicle that Mr. Gabaldon is honoring right now. He asked how the Commission wants to handle that.

Chairperson Aguilar said it has been discussed with the County Attorney and she recommended that Mr. Montoya talk to the County Attorney.

Motion carried unanimously.

## **NEXT MEETING**

The next Regular Meeting of the Valencia County Board of County Commission will be held on January 25, 1999, at 5:00 PM in the County Commission Room at the Valencia County Courthouse.

## **ADJOURNMENT**

Commissioner Frank Pando made a motion to adjourn the January 11, 1999, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Helen Baca seconded the motion. Motion carried.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the January 11, 1999 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**ss  
ALICIA AGUILAR, CHAIRMAN**

**ss  
AURELIO H. PADILLA, VICE-CHAIRMAN**

**ss  
HELEN BACA, COMMISSIONER**

**ss  
ELOY GIRON, COMMISSIONER**

**ss  
S. T. FRANK PANDO, COMMISSIONER**

**ATTEST: ss**

**KANDY CORDOVA, COUNTY CLERK**

**DATE: Jan. 25, 1999**

**For an official copy of these minutes and attachments see Commission Book 33 Page 622**